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OCT 04 2011

1213 Etna Parkway • Pataskala, OH 43062 • 740-964-1198• fax 740-964-0121

Unites States Patent Office

RE Patent 6,309,085

Date: October 4, 2011

We respectfully request the acceptance of our Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent.

Notice from the USPTO of Patent expiration was sent to Snell and Wilmer in Costa Mesa in 11/09. They forwarded that notice to us Dec 28, 2009. (we don't know if they received earlier notices of pending expiration or not – they no longer represent us in any way).

Upon receipt of this we immediately submitted (1/4/10)

Change of address form notice

Fee address indication form

Request for customer number

Which were faxed along with PTO/SB/66 signed by Lynne Bauman and dated 1-4-2010.

PTO/SB/66 was mailed in with payment of maintenance fees and surcharge totaling \$2945.00.

From what we understood, this took care of the matter, and the Patent was reinstated.

However, about 18 months later – June 2011, Lynne Bauman received a phone call from Trudell Jackson of the USPTO saying that the Petition was not acceptable in current form because Jeffrey Katz had signed the CFR but Lynne Bauman had signed the PTO/SB/66, so Trudell advised Lynne that she should sign the CFR3.73 and resubmit the original PTO/SB/66 with the current date of 6/11. There was no mention of a \$400 fee required at that time. Trudell advised to fax these forms to Trudell, which Lynne did. Trudell had stated at that time that she was going on vacation the next day and so time was of the essence. Lynne tried calling Trudell to confirm that everything had been received, but only got Trudell's voicemail, and left a message to this effect. No call was returned, so it was assumed all in order. Again, we thought it was taken care

Recently we discovered the patent showing as expired and we are desperately trying to cure the situation. Lynne called Trudell and left a message several times and Trudell called back today to say she no longer worked in that dept. and referred Lynne to Ramesh at 571-272-4914. Lynne called Ramesh who advised that we submit

Transmittal Form PTO/SB/21

Payment of \$400 – sec credit card form PTO-2038

New PTO/SB/66 signed by Jeffrey S. Katz

We have enclosed as much as we can to show that we tried our best to do the right thing, but evidently our failure was in not understanding the process.

We respectfully request that you accept our explanation and fees and reinstate the patent or that you help us to understand what we have failed to do to make this happen and how we can proceed.

Very truly yours,



Jeffrey S. Katz

OCT 04 2011

PTO/SB/66 (03-09)

Approved for use through 03/31/2012, OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

10/12/2011 DALLEN 00000015 6309085

01 FC:1462

400.00 00

NOTE: If information or assistance is needed in completing this form please contact Petitions Information at (571) 272-3282.

Patent No. 6,309,085Application Number 09-558182Issue Date 2001-10-30Filing Date 04-26-00

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

10-4-11

Date

Signature

JEFFREY S. KATZ

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form call 1-800-PTO-9199 and select option 2.

PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ _____ (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ _____

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____☐ Please charge Deposit Account No. _____ the sum of \$ _____☒ Payment by credit card. Form PTO-2038 is attached

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____

PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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7. OVERPAYMENT

As to any overpayment made please

OR

☐

Credit to Deposit Account No. _____

☒

Send refund check

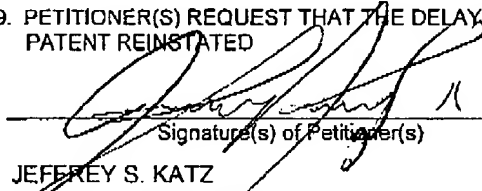
WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED


Signature(s) of Petitioner(s)

10-4-11

Date

JEFFREY S. KATZ

Typed or printed name(s)

Registration Number, if applicable

740-964-1198

Telephone Number

BEST LIGHTING PRODUCTS INC 1213 ETNA PARKWAY, PATASKALA OH 43062

Address

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

☐

Maintenance Fee Payment

☐

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☐



UNITED STATES PATENT AND TRADEMARK OFFICE

42551-0100

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

P75M

DATE PRINTED

11/30/09

NOTICE OF PATENT EXPIRATION

According to the records of the U.S. Patent and Trademark Office (USPTO), payment of the maintenance fee for the patent(s) listed below has not been received timely prior to the end of the six-month grace period in accordance with 37 CFR 1.362(e). **THE PATENT(S) LISTED BELOW HAS THEREFORE EXPIRED AS OF THE END OF THE GRACE PERIOD.** 35 U.S.C. 41(b). Notice of the expiration will be published in the USPTO Official Gazette.

Expired patents may be reinstated in accordance with 37 CFR 1.378 if upon petition, the maintenance fee and the surcharge set forth in 37 CFR 1.20(i) are paid, AND the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unavoidable or unintentional. 35 U.S.C. 41(c)(1).

If the Director accepts payment of the maintenance fee and surcharge upon petition under 37 CFR 1.378, the patent shall be considered as not having expired but would be subject to the intervening rights and conditions set forth in 35 U.S.C. 41(c)(2).

For instructions on filing a petition under 37 CFR 1.378 to reinstate an expired patent, customers should call the Office of Petitions Help Desk at 571-272-3282 or refer to the USPTO Web site at www.uspto.gov/web/offices/pac/dapp/petitionspractice.html. The USPTO also permits reinstatement under 37 CFR 1.378(c) by electronic petition (e-petition) using EFS-Web; e-petitions may be automatically granted if all the eligibility requirements are met. For further information on filing an e-petition, please call the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 or refer to the EBC's e-petition guide at www.uspto.gov/ebc/portal/efs/petition_quickstart.pdf.

U.S.					
PATENT NUMBER	APPLICATION NUMBER	PATENT ISSUE DATE	APPLICATION FILING DATE	EXPIRATION DATE	ATTORNEY DOCKET NUMBER
6309085	09558182	10/30/01	04/26/00	10/30/09	BES3-BK17

NOTE: This notice was automatically generated based on the amount of time that elapsed since the date a patent was granted. It is possible that the patent term may have ended or been shortened due to a terminal disclaimer that was filed in the application. Also, for any patent that issued from an application filed on or after June 8, 1995 containing a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121, or 365(c), the patent term ends 20 years from the date on

Snell & Wilmer
LLP
LAW OFFICES

600 Anton Boulevard
Suite 1400
Costa Mesa, CA 92626-7689
714.427.7000
714.427.7799 (Fax)
www.swlaw.com

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OCT 04 2011

DENVER
LAS VEGAS
ORANGE COUNTY
PHOENIX
SALT LAKE CITY
TUCSON

Albin H. Gess (714) 427-7020
Patents, Trademarks & Copyrights
agcss@swlaw.com

December 28, 2009

Kevin Davis
Best Lighting Products
1213 Etna Parkway
Pataskala, OH 43062

Re: U.S. Patent No.: 6,309,085
Issued: October 30, 2001
Title: LAMP SUPPORT FOR EMERGENCY LIGHT FIXTURE
Our Ref. No.: 42551.0100

Dear Mr. Davis:


We received a notification of patent expiration from the United States Patent and Trademark Office for the subject patent. A copy is enclosed. The patent expired on October 30, 2009 because the 8 year maintenance fee was not paid. You instructed us on November 22, 2004 not to pay maintenance fees.

If you did not want this patent to lapse, you have the opportunity to revive the application at a cost of \$2040.00 plus the late maintenance fee of \$1305.00. (1240465)

If I do not hear from you, I shall assume that you have made other arrangements to revive, or do not want to revive this patent.

Very truly yours,

SNELL & WILMER LLP.


Albin H. Gess

AHG:vm

42551.0100\GESSA\SWDMS\11025658

Oct. 4. 2011 5:04PM BEST LIGHTING

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No.0544 P. 11/25

OCT 04 2011

P. 1

* * * Transmission Result Report (MemoryTX) (Jan 4 2010 5:49PM) * * *

1) BEST LIGHTING
2)

Date/Time: Jan 4 2010 5:47PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
6389 Memory TX	15712730177	P 8	OK	

Reason for error
E 1) Hang up or line fail
E 3) No answer

E 2) Busy
E 4) No facsimile connection



1213 ETNA PARKWAY
PATASKALA OH 43082
740-864-1198
FAX 740-864-0121
bauman@bestlighting.net

PLEASE E-MAIL

FROM: LYNNE BAUMAN

TO: US PATENT OFFICE
COMPANY:

DATE: 1/4/10

FAX #: No. of pages 8

→ 571-273-8177 ATTN: CUST #

RG: 6309085
6606808
D440,336

CHANGE OF ADDRESS FORM NOTICE (2)
FOR ADDRESS INDICATION FORM (3)
REQUEST FOR CUSTOMER (1)

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No.0544 P. 12/25

OCT 04 2011



1213 ETNA PARKWAY
PATASKALA OH 43062

740-964-1198

FAX 740-964-0121

lbauman@bestlighting.net

PLEASE EMAIL

FROM: LYNNE BAUMAN

TO: US PATENT OFFICE
COMPANY:

DATE: 1/4/10

FAX #:

No. of pages

8

→ 571-273-0177

ATTN CUST #

RE: 6309085
6606808

D440,336

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FEE ADDRESS INDICATION FORM
REQUEST FOR CUSTOMER #

(3)
(3)
(1)

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PTO/SB/66 (03-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form please contact Petitions Information at (571) 272-3282

Patent No. 6,309,085Application Number 09/558182Issue Date 2001-10-30Filing Date 04/26/00

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d)

Also complete the following information, if applicable

The above -- identified patent

☐Is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____☐resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____
filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

1-4-2010

Date



Signature

BEST LIGHTING PRODUCTIONS

LYNNE J. BAUMAN CPO

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

OCT 04 2011

PTO/SB/125A (11-08)

Approved for use through 11/30/2011. OMB 0851-0035

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Request for Customer Number	Address to:
	Mail Stop CN Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

To the Commissioner for Patents Please assign a Customer Number to the Address indicated below.																																			
Firm or Individual Name	BEST LIGHTING PRODUCTS INC																																		
Address	1213 ETNA PARKWAY																																		
City	PATASKA LA	State	OH	Zip	43062																														
Country	USA																																		
Telephone	740-964-1198		Email	LBAUMAN@BESTLIGHTING.NET																															
Please associate the following practitioner registration number(s) with the Customer Number assigned to the Address cited above.																																			
<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table>																																			
<input type="checkbox"/> Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto.																																			
Request Submitted by:																																			
Firm Name (if applicable)	BEST LIGHTING PRODUCTS INC																																		
Signature	Lynne I. Bauman																																		
Name of person submitting request	LYNNE I. BAUMAN CFO			Date	1-4-10																														
Registration Number if applicable			Telephone Number	740-964-1198																															

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop CN, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/123 (11-08)

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**CHANGE OF
CORRESPONDENCE ADDRESS
Patent**Address to:
Mail Stop Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Patent Number	6,309,085
Issue Date	OCT 30, 2001
Application Number	09/558182
Filing Date	4/24/00
First Named Inventor	KATZ, ALBERT
Attorney Docket Number	BES3-BK17

Please change the Correspondence Address for the above-identified patent to:

The address associated with Customer Number

APPLIED FOR

OR

☒ Firm or Individual Name **BEST LIGHTING PRODUCTS INC**
LYNNE I. BAUMAN, CEO
Address **1213 ETNA PARKWAY**City **PATASKALA**State **OH**ZIP **43062**Country **USA**Telephone **740-967-1198**Email **LBAUMAN@BESTLIGHTING.NET**

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

This form will not affect any "fee address" provided for the above-identified patent. To change a "fee address" use the "Fee Address Indication Form" (PTO/SB/47).

I am the:

☐ Patentee☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).☐ Attorney or agent of record. Registration Number _____Signature **Lynne I Bauman**Typed or Printed Name **LYNNE I BAUMAN CEO**Date **1-14-10**Telephone **740-964-1198**

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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